

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
SEPTEMBER 7, 2010

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on September 7, 2010, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Dennis Drake, Deputy County Attorney David L. Patterson, County Administrator Dean Cox, and Deputy County Clerk Christine Hall.

The Spectrum was not represented at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment for August 18, 2010, through September 7, 2010
- Consideration of Administrative Adjustments / Personal Property (attached)
- Consideration of Applications for Property Tax Abatement (24):
Robert Aranda, Serial No. W-HWB-1-4; Myrtle Arko, Serial No. LU-CVV-13; Pamela Atkinson, Serial No. NEH-4-6-NS; Olivia Auston, Serial No. SG-6S-10-34; Jan Burns, Serial No. R-1224-A; Monte Evans, Serial No. T-3-1-2-1431; Judy Fischer Serial No. SG-LH2-1-A-12; Dennis Fredricksen, Refund on Vehicle A075HL; Jim Gilbreath, Serial No. PLTH-6-117; Paul Heideman, Serial No. T-125-J; Phyllis Hollingsworth, Serial No. W-92; William Jones, Serial No. SG-CTE-4-83; Rosemary Labrum, Serial No. DVA-9-SW; Gail Limas, Serial No. I-DELC-1-9; Dianna Lincoln, Serial No. SG-8-L-30; John Lockhart, Serial No. H-273-B; Harley Maxwell, Serial No. W-ORVS-1-2; Robert Perez, Serial No. SG-PCS-8; Brent and Loretta Peterson; Sandra Stilwell, Serial No. W-RP-2-49; Jonathan Strong, Serial No. SG-SFBC-2-65; Marriner and Lavon Tolman, Serial No. H-266-J-2; Gordon and Nancy Weinheimer, Serial No. I-CCS-3-64; and Chaunce and Betty Mae Wightman, Serial No. SG-RHT-1

Actions of the Washington County Planning Commission: 08-10-10 and 08-24-10:

CONDITIONAL USE PERMIT: Request permission for three (3) RV pads for a private recreational facility at the Peek-a-Boo Ranch, within the OST-20 zone on fifty-seven (57) acres generally located near Brookside. Monte Holm, applicant.

A previous owner installed three (3) RV pedestals for private recreation use prior to selling his property, without having obtained a Conditional Use Permit. Now that it is under new ownership and Rocky Mountain Power is installing new distribution lines, the applicant has submitted a site plan that includes the location for RV pads. The septic system for the second (2nd) dwelling for hired hands (bunk house), was approved by planning staff on July 27th, and these additional temporary use facilities have been installed and approved by the Southwest Utah Public Health Department. It was documented that there was ample culinary water from a private well for these uses.

Patti Wynn, the applicant's assistant, said they are just trying to bring the property into compliance. These existed when Monte Holm purchased the property. She said he intends to use it as a ranch where they will have family reunions a couple of times a year. Currently there are no pads for the RVs but the septic system is in.

The Planner noted that the applicant needs to make sure the site plan reflects his intentions. It is currently labeled concrete RV pads; if the applicant changes it to gravel, he will need to change the site plan.

The Planning Commission and staff discussed the Northwest Special Service District's concerns, and it was determined that the applicant will need to take care of those fees prior to receiving a building permit.

Facts/Findings:

- The use is consistent with the characteristics and purposes stated for the OST-20 zone
- The applicant has met the requirements for services including: water, septic and power
- The proposed use is for non-commercial purposes

The Planning Commission unanimously recommended approval for the Conditional Use Permit to establish a private recreational facility, based on the facts and findings, subject to meeting the requirements of the Utah Wildland-Urban Interface Code, for a period of one (1) year.

PROCEDURES AND RULES OF ORDER: Annual review of Planning Commission Procedures and Rules of Order. County initiated.

The Planner explained that the Planning Commission needs to review its procedures and rules of order as part of an ongoing education program, for insurance purposes, which will benefit the County. She said the Commission should have read both documents prior to the meeting and she asked if they had any questions or concerns. At the previous meeting the commission members wanted to add the following paragraph to planning procedures, which appears at the top of each agenda, on time limits:

(In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to two (2) minutes per person per item. A spokesperson representing a group to summarize its concerns will be allowed five (5) minutes to speak. Repetitious commentary will not be allowed.)

MOTION: Motion by Commissioner Drake to Approve the Consent Agenda, with the following corrections: (1) In the minutes of August 3, 2010, Commissioner Gardner is shown as seconding the Motion to Approve the Consent Agenda on Page 2. In fact, Commissioner Eardley seconded the Motion; (2) The Application for Property Tax Abatement, Account Number 0609274 is Disallowed; and (3) The Applicant for Conditional Use Permit for RV Pads near Brookside should read "Monte Holm," not Monte Helm." Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

VOLUNTEER OF THE MONTH / LINDA SAPPINGTON

No presentations were made today.

PURCHASE REQUEST(S) / MARK BLANCH

Emergency Services, Equipment..... \$39,672.00

This equipment will be paid for with Homeland Security Grant money and will be used for the Five County area. Washington County Administrator Dean Cox added that this material is specifically for the HazMat team, which is a regional team. It is a shelter for the first responders and potential victims that might require decontamination in the event of a HazMat scenario.

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Drake to Approve the Above Purchase Request. Motion seconded by Commissioner Gardner and carried by

unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1482, A RESOLUTION APPROVING THE EXECUTION OF A QUIT CLAIM DEED FROM WASHINGTON COUNTY TO THE STATE OF UTAH

Deputy Washington County Attorney David L. Patterson explained that the County acquired this forty (40) acre parcel of land by virtue of an Auditor's Tax Sale that took place in 1931. The land belonged to the School Institutional Trust Lands Administration (SITLA) all along, and it is unclear why those forty (40) acres were deeded to the County. A title search has revealed that this is an erroneous deed, requiring the County to deed the property back to the State.

MOTION: Motion by Commissioner Gardner to Approve Resolution No. R-2010-1482, A Resolution Approving The Execution Of A Quit Claim Deed From Washington County To The State Of Utah. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1483, A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$13,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, OF WASHINGTON COUNTY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO THE ISSUANCE AND SALE OF THE BONDS; AND RELATED MATTERS

Dustin Matsumori and Alan Westenskow, from Zions Bank Public Finance, explained the nature of the refinancing. The above resolution is a Parameters Resolution for the refunding of approximately five point four million dollars (\$5,400,000.00) of the County Series 2002 General Obligation Bonds and approximately four million dollars (\$4,000,000.00) of the County's Series 2004 B Bonds. Both of these bonds were issued for library projects, and the current savings to Washington County amounts to a total of seven hundred and ninety thousand dollars (\$790,000.00) over the life of the bonds. The County is taking advantage of historically low interest rates by this refinancing, which can be done only one time during the life of the bonds.

MOTION: Motion by Commissioner Drake to Approve Resolution No. R-2010-1483, A Resolution Authorizing The Issuance And Sale Of Not More Than \$13,000,000 Aggregate Principal Amount Of General Obligation Refunding Bonds, Series 2010, Of Washington County, Utah; Fixing The Maximum Aggregate Principal Amount Of The Bonds, The Maximum Number Of Years Over Which The Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Providing For The Publication Of A Notice Of Bonds To Be Issued; Providing For The Running Of A Contest Period; Approving The Distribution Of A Preliminary Official Statement With Respect To The Issuance And Sale Of The Bonds; And Related Matters. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

SPECIAL AUDIT REPORT / KIM M. HAFEN

Washington County Clerk-Auditor Kim M. Hafen explained that part of his duties is dealing with taxpayers who have become delinquent in paying their taxes, in particular those whose properties would normally be included in the annual May Tax Sale. He typically sets up payment plans with the taxpayers to bring their accounts current. Those payment plans must be approved by the Commission, after which Mr. Hafen monitors those payment plans to ensure the taxpayer is making payments on schedule.

In doing a routine check of these taxpayers on payment plans, he came across a transaction from the Treasurer's Office that he thought was inappropriate. In this instance, a taxpayer had been relieved of paying interest and penalties on his past-due taxes, and he brought it to the attention of the County Administrator and the Commissioners, who asked that the Clerk-Auditor's Office conduct an audit of the process to determine whether this was an unusual occurrence. Trevor Coombs, Internal Auditor, was assigned to perform this audit. He spoke with, among others, the State Tax Commission and other County Treasurer's Office employees.

Mr. Coombs audited a sampling of an additional fifteen (15) delinquent taxpayers and found that, in no other instance was relief granted on interest and penalties. What was discovered was that any relief granted was done by the Commission. The Treasurer, David Whitehead, subsequently recovered those funds that were improperly waived from the taxpayer in question. Several recommendations and conclusions arising from the audit include:

- A determination that only the Commission has the authority to grant relief from interest and penalties;

- A *de minimus* amount under which the Treasurer may, on his own authority, grant relief from interest and penalties should be established.

It was reiterated by Mr. Hafen and by the Commission that taxpayers are responsible for ensuring that the County has their correct addresses for purposes of billing the annual tax notices. Chairman Eardley said that the County manages over seventy-three thousand (73,000) properties each year.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented today.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Dean Cox updated the Commission on the new Justice Center Building. By the end of this week, it should be ready for concrete forms to be set in the basement area. The tentative date for finishing this building is March 1, 2011.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented today.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4: 51 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN